IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

Bail Appl..No. 1666 of 2007()

CRIME NO. 39 OF 2005 OF SREEKANDAPURAM POLICE STATION
.....

PETITIONER/2ND ACCUSED

ANTONY, AGED 55 YEARS, S/O. MATHEW,
NHANNA MALA, CHEMPAMTHOTTY POST,
NEDIYANGA, THALIPARAMBA TALUK, KANNUR.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH

RESPONDENTS:

THE STATE OF KERALA, REP. BY
THE SUB-INSPECTOR OF POLICE, SREEKANDAPURAM
POLICE STATION, (THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.)

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1666 of 2007

DATED: 22-03-2007

O R D E R

Petitioner who is the 2nd accused in Crime No. 39 of 2005 of Sreekandapuram Police Station for an offence punishable under Section 5 of the Explosive Substances Act, for allegedly running a quarry without the requisite licence under the Explosives Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P. 11 of 2005 on the file of J.M.F.C., Thaliparamba , non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance and also after considering the medical grounds urged on behalf of the petitioner.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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